## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

DAVID E MACK,

Plaintiff,

V.

CIVIL ACTION NO. 4:16-CV-00373-ALMCAN

CAN

ACCOUNT DISCOVERY SYSTEMS LLC,

Defendant.

## **ORDER**

Pending before the Court is Plaintiff David E. Mack's Motion to Compel Discovery Answers ("Motion") [Dkt. 24]. Having considered the Motion and the relevant pleadings, the Court finds that the Motion should be denied.

On July 12, 2016, the Court entered its Scheduling Order to control the disposition of the above-referenced case [Dkt. 12]. To address discovery disputes, the Scheduling Order explicitly states that "[i]f the parties are unable to resolve the dispute without court intervention, the parties must then call the Court's chambers to schedule a telephone conference regarding the subject matter of the dispute" before filing a motion to compel [Dkt. 12 at 4]. Here, Plaintiff did not call chambers to schedule a telephone conference and thus did not follow the Court's procedure under the Scheduling Order. Accordingly,

It is therefore **ORDERED** that Plaintiff's Motion to Compel [Dkt. 24] is hereby **DENIED.** The Parties are ordered to meet and confer via the telephone; and, thereafter to jointly contact the chambers of the undersigned, within fifteen days of this Order, to schedule a telephone conference to discuss any remaining discovery issues.

IT IS SO ORDERED.

SIGNED this 21st day of September, 2016.

Christine A. Nowak

UNITED STATES MAGISTRATE JUDGE